

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SHARILYN M. BRASHEAR,)
Plaintiff,) No. CV-04-5126-MWL
v.) ORDER GRANTING JOINT
JO ANNE B. BARNHART,) MOTION FOR REMAND
Commissioner of Social)
Security,)
Defendant.)

The parties have filed a stipulation for remand of the above captioned case to the Commissioner for further administrative proceedings. (Ct. Rec. 25). The parties have consented to proceed before a magistrate judge. (Ct. Rec. 3). After considering the stipulation,

IT IS ORDERED that the above-captioned case be remanded for further administrative proceedings. Upon remand, the Administrative Law Judge ("ALJ") shall: 1) give further consideration to Plaintiff's non-exertional limitations; 2) obtain medical expert testimony to assist in the assessment of the extent of the non-exertional limitations reasonably arising from Plaintiff's medically determinable impairments; 3) give further consideration to Plaintiff's treating and examining source opinions (e.g., Dr. French) pursuant to the provisions of 20

1 C.F.R. § 404.1527 and Social Security Ruling (SSR) 96-2p available
2 at 1996 WL 374188 and SSR 96 5p, available at 1996 WL 374183, and
3 non-examining source opinions pursuant to the provisions of 20
4 C.F.R. § 404.1527(f) and SSR 96-6p, available at 1996 WL 374180;
5 4) indicate the weight afforded to the opinion of the state agency
6 reviewing physician that the claimant was limited in reaching in
7 all directions above head level with both arms. 20 C.F.R. §
8 404.1527(f) and SSR 96-6p, available at 1996 WL 374180; 5) give
9 further consideration to Plaintiff's maximum residual functional
10 capacity and provide appropriate rationale with specific
11 references to evidence of record in support of the assessed
12 limitations, 20 C.F.R. § 404.1545 and SSR 96-8p, available at 1996
13 WL 374189; 6) obtain evidence from a vocational expert to clarify
14 the effect of the assessed limitations on Plaintiff's occupational
15 base, SSR 83-12, available at 1983 WL 31253 and SSR 83-14
16 available at 1983 WL 31254, and, in so doing, ask the vocational
17 expert to identify examples of appropriate jobs and to state the
18 incidence of such jobs in the national economy; and 7) take any
19 further action necessary to render a new decision in this matter.

20 This Court hereby reverses the Commissioner's decision under
21 sentence four of 42 U.S.C. § 405(g) with a remand of the cause to
22 the Commissioner for further proceedings. *See Melkonyan v.*
23 *Sullivan*, 501 U.S. 89 (1991).

24 **IT IS FURTHER ORDERED:**

25 1. The parties Joint Motion to Remand (**Ct. Rec. 25**) is
26 **GRANTED**.

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2. Judgment shall be entered for the **PLAINTIFF**.

3. An application for attorney fees may be filed by separate motion.

4. The District Court Executive is directed to enter this Order, forward copies to counsel, and thereafter shall **close** this file.

DATED this 17th day of March, 2006.

S/ Michael W. Leavitt

MICHAEL W. LEAVITT

UNITED STATES MAGISTRATE JUDGE